



*[Handwritten signature]*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
ACCORDING TO 37 C.F.R. §1.97(b)**

|   |                   |            |          |
|---|-------------------|------------|----------|
| APPLICANT(S):                                       | Chalupper et al   | DOCKET NO: | P04,0054 |
| SERIAL NO.:   | 10/788,521        | ART UNIT:  | 2643     |
| FILED:  | February 27, 2004 | EXAMINER:  |          |
|   |                   | CONF. NO.  | 6889     |
| TITLE: Device and Method to Adjust a Hearing Device |                   |            |          |

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. §1.56 and the requirements of 37 C.F.R. §1.98, Applicant respectfully requests that a citation and examination of the references identified on the attached PTO/SB/08 form be made during the course of examination of the above-identified application for United States Patent.

The present Information Disclosure Statement is being filed according to 37 C.F.R. §1.97(b) and before the latter occurrence of:

- (1) three months from the filing date of a national application;
- (2) three months from the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application; or
- (3) the mailing date of a first Office Action on the merits.

**REMARKS**

The attached PTO/SB/08 form lists related art references for the above identified application. In accordance with 37 C.F.R. §1.98(a)(2)(ii), no copies of the U.S. patent documents are being supplied herewith, but will be provided upon request.

**EXPLANATION OF RELEVANCE**

References AA-AC were cited during the prosecution of a corresponding

European application. Reference AA is in English, so no further commentary on its teaching is required. Reference AB is a German-language PCT publication. Reference AD is a U.S. patent publication corresponding to reference AB. Reference AC is a German-language European patent document, for which a Derwent English-language abstract has been provided. A full translation of this reference will be produced at the request of the Examiner.

The filing of the present Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed as an admission that the information cited in the present Information Disclosure Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

The above citation of related art is not a representation that such art constitutes a complete or exhaustive listing of all pertinent related art, nor that it necessarily includes the closest or most relevant art. The aforementioned citation comprises a voluntary citation of related art of which applicant and his attorney are presently aware and is not intended to serve as a substitute for the Examiner's own search.

Submitted by,

Mark Bergner (Reg. No. 45,877)

Mark Bergner  
SCHIFF HARDIN, LLP  
PATENT DEPARTMENT  
6600 Sears Tower  
Chicago, Illinois 60606-6473  
(312) 258-5779  
Attorney for Applicant(s)  
**CUSTOMER NUMBER 26574**

#### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on March 20, 2006

Sam VanderMeer

|       |   |    |   |
|-------|---|----|---|
| Sheet | 1 | of | 1 |
|-------|---|----|---|

PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Complete if Known**

|                    |            |
|--------------------|------------|
| Application Number | 10/788,521 |
|--------------------|------------|

|             |                   |
|-------------|-------------------|
| Filing Date | February 27, 2004 |
|-------------|-------------------|

|                      |                 |
|----------------------|-----------------|
| First Named Inventor | Chalupper et al |
|----------------------|-----------------|

|          |      |
|----------|------|
| Art Unit | 2643 |
|----------|------|

**Examiner Name**

|                        |          |
|------------------------|----------|
| Attorney Docket Number | P04.0054 |
|------------------------|----------|

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS |                       |   |                  |   |   |                |
|--------------------------|-----------------------|---|------------------|---|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | MM-DD-YYYY       |   |   |                |
|                          | AB                    | WO 02/28143 A2  | 04/04/2002       | Siemens Audiologische Technik                   |   | See AD         |
|                          | AC                    | EP 0 941 014 A2   | 09/08/1999       | Siemens Audiologische Technik                   |   | Abs            |
|                          |                       |   |                  |   |   |                |
|                          |                       |   |                  |   |   |                |
|                          |                       |   |                  |   |   |                |
|                          |                       |   |                  |   |   |                |

**Examiner  
Signature**

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.